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August 25, 2016

VIA ECF

Honorable Debra Freeman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Rosario v. Mis Hijos Deli Corp, et. al.,  
15 CV 6049 (LTS)(DF)

Dear Magistrate Judge Freeman:

This firm represents the Plaintiff in the above-referenced action brought against Defendants for wage violations under the FLSA and NYLL. I write this letter to provide the Court with an update on the status of discovery in this matter.

On August 12, 2016 my office filed a letter with the Court seeking an extension of the discovery deadline in this matter, currently set for August 31, 2016, to allow time for Defendant Jose Palma to travel to the United States for his deposition, and to conduct the third-party deposition of Mund Business Services Inc. As is set forth in that letter, Defendants' counsel advised that Mr. Palma will be available to travel to New York after September 5. I ask that the discovery deadline be extended to permit this deposition in New York.

With respect to the third-party subpoena demand for documents and demand for testimony served upon Mund Business Services and Mr. Mund, as advised in my earlier letter, Mr. Mund requested an adjournment of his deposition. As a courtesy to this third-party, we agreed to adjourn the date of the deposition and provided Mr. Mund with several possible dates. We advised that we would review documents produced by his office in response to the subpoena to determine if the actual deposition was necessary. At no time did we waive our right to take the deposition. I had emailed and called Mr. Mund to follow up with respect to the production of documents and testimony. Yesterday, I received an email from Mr. Mund advising that his office is "preparing the documents" in response to the subpoena. He did not provide any date or

schedule for the production of the responsive documents and has not advised as to dates of availability for the testimony, if necessary.

In light of the fact that the Court had not ruled on the Plaintiff's request for an extension of the discovery deadline in this matter, I sought to arrange for the deposition of Mr. Palma in the Dominican Republic or by via teleconference prior to the discovery deadline on August 31. On August 23 I sent an e-mail communication and both counsel for Defendants and received a response that they are both out of the office until August 29, just two days before the discovery deadline in this matter. Given these circumstances, and through no fault of the Plaintiff, it appears impossible for the discovery and depositions to be completed by the August 31 deadline.

In addition to the depositions that still need to be conducted, there remain outstanding documents to be produced by Defendants as well as the production of documents from the third-party, Mund Business Services and Mr. Mund. Given the vagueness of the response received from Mr. Mund and the fact that both counsels for the Defendants are out of the office until August 29, it is unclear whether such documents will be produced prior to the August 31 discovery deadline. For the reasons set forth herein, I respectfully request that the Court extend the discovery deadline for reasonable period of time to permit the production of the documents referenced herein and for the Plaintiff to complete the depositions of Mr. Mund and Mr. Palma in New York.

Respectfully,



STEVEN B. ROSS